

communities for proper economic development, but protect the rights of individuals. But I do, once again, thank the gentleman for bringing this subject to our attention.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 seconds to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for his generosity in yielding me this time.

Mr. Speaker, the Constitution of the United States was written as much for any other reason as to protect the private property rights of the American people. The Supreme Court last week, in the already infamous Kelo case, essentially rejected the very idea of private property rights at all.

I know some believe that the Supreme Court is some Citadel with all knowledge and all wisdom and that every decision they make is the right decision. But by this narrow 5-4 decision, our high court essentially set aside the most basic fundamental tenet of the social contract that underlies self-government, the inviolability of private property rights; the unchangeable principle of politics, morality, and common sense; that what is mine is mine, and what is yours is yours.

What the court decided last week was that what is mine is not really mine and what is yours is not really yours; that, in fact, private property only exists as a political expedient, a psychological contrivance wholly subject to the government's whim. The court ruled that private property, your home or your small business, may be taken by the government and given to someone else who, in the government's judgment, will put that property to better use.

This is not the taking of someone's property without compensation for specific public use, like a highway or a military base. Congress and States are explicitly granted such power in the Constitution. This is, instead, the government taking your home and giving it to some business because they will generate more tax revenue. Indeed, given the risible logic employed by the court's majority last week, there is no reason your city council cannot kick you out of your house and give it to a wealthier family who will add on to the home and, therefore, pay higher property taxes down the road.

Mr. Speaker, I am not a lawyer, so do not just take my word for it. Justice O'Connor, writing in dissent of this awful decision said: "If predicted, or even guaranteed, positive side effects are enough to render transfer from one private party to another constitutional, then the words 'for public use' in the Constitution do not realistically exclude any takings." Justice Thomas adds, "If such economic development takings are for public use, any taking is, and the court has erased the Public Use Clause for our constitution."

Both Justices O'Connor and Thomas went on to warn the result of this fool-

hardy decision would be that people most vulnerable to the government preying on their property would be the poor, the elderly, and racial minorities. No kidding. Those people with the least economic and political power, with the least means to fight back, and the most need for government protection of their God-given rights have been told by the Supreme Court that while property rights are sacred, some people's property rights are more sacred than others.

This is madness, Mr. Speaker, and it must not stand. The court's Kelo decision will go down in history as a travesty. It is not a debatable ideological overreach but a universally deplorable assault of the rights of man. The only bright lining to it is that this time the court may have finally gone too far and the American people will reassert their constitutional authority.

We can only hope, Mr. Speaker, that this resolution will be the first step in a long overdue process of constitutional renewal. Begin that process and vote "yes" on this resolution.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume to thank the Supreme Court for bringing us all together here in the House tonight. It is very unusual.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FRANK), an active member for many years on the Committee on the Judiciary who is now on leave.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the distinguished ranking member for yielding me this time, and, like him and the ranking member of the subcommittee, I have some differences with the wording here. I was particularly struck by the second whereas. "Whereas upon adoption, the 14th amendment extended the application of the fifth amendment to each and every State and local government." In fact, it did not. Not at adoption.

When the 14th amendment was adopted, it was not considered to extend it. And, in fact, it was what some would have called a liberal Supreme Court that decided to apply the Bill of Rights to the States through the 14th amendment. Now, I am glad they did, and I welcome the support in this resolution for that concept. I know not everybody on that side agrees with it.

Having said that, I am going to vote for the resolution, even though I disagree with some of the wording. I long ago had to come to the reluctant conclusion that voting for resolutions and literary criticism were two very different activities, and too high an aesthetic standard applied to resolutions would make me always vote no. So I tend to not pay too much attention to the whereases. I look at the resolves, and I agree with these resolves.

But let me rephrase the question, because this is the question the majority is asking. Remember, the Supreme Court, the five-member majority, made what I think is a wrong decision, but

they did not take the property. You know who took the property? The elected government of the City of New London, people who were elected, and they did it pursuant to laws adopted by the elected legislature and governor of Connecticut. So what you are accusing the Supreme Court of, and I am agreeing with, is very simple: They were insufficiently activists.

Here is this Supreme Court majority letting elected officials do what they want. And the majority is asking an often-asked question: Where is judicial activism when we need it? Because people are not opposed to judicial activism, they are only opposed to judicial activism when they do not want the result. This is judicial activism you are calling for.

Let me read your resolves. "State and local governments should only execute the power of eminent domain for those purposes." "State and local governments must always justly compensate." It is State and local governments in the resolution that we are telling what to do. And your problem with the Supreme Court is that it is letting those pesky elected local and State governments do what they want.

My colleagues are saying, wait a minute, we cannot have elected officials just doing whatever they want. We cannot let elected officials deciding to do these things. If they violate constitutional rights, we want a Supreme Court that stops them. Well, so do I. But sometimes you call that activism. Because that is what you are asking for.

The Supreme Court has never taken a piece of property. Go right across the street. You can look. It has not gotten any bigger. I have been here 25 years, and they have not expanded one tree. What they did was allow locally elected and State elected officials to do it. So let me say that I agree with your complaint about insufficient judicial activism in this case. Let us just not think that that is a faucet you turn on and off.

The second issue is let us get consistent application of it. The gentleman from New York correctly mentioned a case where they took land in Texas for a baseball stadium. A number of Members here have been enjoying the new baseball team in Washington. We have seen a couple of outrageous assaults on the notion that Mr. Soros should be allowed to buy the team. Whoever believes in free enterprise ever thought they had the right to dictate who is the owner of a private team. That is an argument that you will lament for lack of judicial activism. But what they are doing here, the government of Washington, D.C., is doing exactly what you are saying is wrong here.

So I guess Members here are going to boycott that stadium. They are taking property down there on O Street. May not be property everybody here wants to go to, it may not be your farms and